

TESTIMONY OF SUE A. COUSINEAU RE: SB 494
BEFORE THE JUDICIARY COMMITTEE, MONDAY MARCH 31, 2014

Senator Coleman, Representative Fox and members of the Committee. My name is Sue Cousineau. I am an attorney engaged in private practice in Middletown, Connecticut. I have been licensed to practice law in Connecticut since 1987. I began my solo practice representing children's interest in Probate Court and in Child Protection Court. More recently, the majority of my practice involves serving as Guardian *ad litem* (GAL) for children in the Superior Court for family matters. I recently had the honor of serving this body as a co-chair of the Task Force to Study Legal Disputes Involving the Care and Custody of Minor Children. As co-chair of the Task Force, I listened to nearly 15 hours of testimony from the public regarding this topic, reviewed extensive written submissions, heard from invited experts and reviewed case law, select statutes and Practice Books sections from Connecticut as well as other jurisdictions together with a variety of legal and psychological literature. At the conclusion of the process, the Task Force submitted our report and I am happy to see that some of our consensus recommendations made it into this bill.

As in any system, there is always room for improvement. I do not agree with the vocal micro-minority that the family court system is broken. I do believe that there is room for improvement, but these improvements need to be made prudently, taking into consideration the children who the Courts are duty bound to protect. Please do not let the children get lost in this debate. This is not about the GALs or the AMCs or the parents. It is about protecting the children from the conflict of their litigating parents. As our Appellate and Supreme Courts stated in Carrubba v. Moskowitz "in a custody dispute, parents lack the necessary professional and emotional judgment to further the best interest of their children ... where those interests differ from his or her own."

A Massachusetts General Hospital Study found that the emotional profile of the children whose parents engage in a custody dispute is very similar to children whose parents have had their parental rights terminated as a result of abuse and neglect. Surprisingly, the parents who believe that they are fighting for their children in court actually endanger their children's emotional stability. See the Connecticut Judicial Branch video "Putting Children First: Minimizing Conflict in Custody Cases."

I support many of the proposals in this bill. That said, I ask that the Judiciary Committee consider the following comments to improve the bill by addressing emergency situations and eliminating potential ambiguities:

1. The act should include a provision that allows for the immediate appointment of counsel or a GAL in situations that a Judge determines same is necessary to protect the child's interest on an emergent basis, such as, but not limited to, restraining order and ex parte applications.
2. In Section 1(c)(2), the word "date" should be replaced with "event." It is nearly impossible to know on what specific date something will occur in a custody action. An event that marks the end of an appointment can be: at the time of judgment, resolution of a specific pleading or pleadings, a certain period of time after judgment or resolution or upon further order of the court.
3. While I agree that parties should have standing to file a motion asking the Court to remove a GAL for cause, the statute should specify that if such a motion is denied, any subsequent motions must be accompanied by a Motion to Show Cause alleging facts that have occurred after the denial of the first motion. This would prevent serial filings regarding the same previously litigated issues.
4. Section 5 (b) should define "college savings account" more specifically and apply to accounts existing and funded at the time of filing.
5. The sliding scale provisions of Section 5 (c) should either be contained in Section 1(c)(4) or should refer to said section thus providing that the hourly rate is determined and reviewed in accordance within the timeframes set forth in that section. It is important that everyone, parties and GALs included, know at the beginning of a case, what is expected regarding fees to avoid any misunderstandings or surprises during the process.

Thank you for your consideration.